UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WENDY SIMCHI-LEVI, Plaintiff,	Civil Action No.
v.	**COMPLAINT**
KOBRA INTERNATIONAL LTD. d/b/a NICOLE MILLER and NICOLE MILLER, in her individual and professional capacities, Defendants.	**Jury Trial Demanded**

Plaintiff Wendy Simchi-Levi ("Plaintiff" or "Ms. Simchi-Levi"), as and for her Complaint against Kobra International Ltd. d/b/a Nicole Miller ("Nicole Miller" or the "Company") and Nicole Miller ("Ms. Miller") (together, "Defendants") alleges as follows:

PRELIMINARY STATEMENT

1. Nicole Miller is a household name in the fashion industry. Indeed, there are few names more synonymous with women's fashion than Nicole Miller. Given that the Company serves almost exclusively women and looms so large within its industry, the unsympathetic and truly reprehensible disposition it takes towards pregnant employees is all the more shocking.

2. After a smooth start at the Company, in which she successfully implemented a new production system to better coordinate between Nicole Miller and various clothing manufacturers, Ms. Simchi-Levi disclosed her pregnancy to the Company in September 2016 and everything changed.

3. When Ms. Simchi-Levi told Ms. Miller she was 20-weeks pregnant, Ms. Miller first became angry that Ms. Simchi-Levi had not disclosed that she was pregnant when she interviewed for the job, and then proceeded to make comments clearly intended to pressure Ms.

Simchi-Levi not to return to the Company after the birth of her children. By way of example only, when Ms. Simchi-Levi mentioned that she was having twins, Ms. Miller shot back, "***You won't want to come back to work after having twins***." This incredibly offensive comment – which insinuated that Ms. Simchi-Levi was not dedicated to her job and evinced Ms. Miller's clear discriminatory animus – proved to be an omen of what was to come. Indeed, over the next several months, Ms. Miller and the Company carried out an escalating campaign of discrimination and ostracism against Ms. Simchi-Levi.

4. Shortly after learning of Ms. Simchi-Levi's pregnancy, Ms. Miller cut her out of her reporting line, instead communicating directly with Ms. Simchi-Levi's associate. Even when Ms. Simchi-Levi was in the same room during design meetings, Ms. Miller began to relay messages to her through her colleagues. In fact, Ms. Miller went so far as to refuse to make eye contact with Ms. Simchi-Levi during these meetings. It was not long before Ms. Miller cut Ms. Simchi-Levi out of design meetings entirely, despite the fact that these meetings were essential to the carrying out of her job. While it was already obvious to her by that point, Ms. Simchi-Levi's co-workers soon began to warn her, "***Nicole hates you***."

5. Ms. Miller and the Company's mistreatment of Ms. Simchi-Levi soon escalated further. Over the course of the ensuing months, Ms. Miller and the Company sought out every possibly opportunity to ostracize and humiliate Ms. Simchi-Levi, include by, *inter alia*, moving her office from immediately next to Ms. Miller's to the complete opposite side of the floor and issuing her a completely unmeritorious warning simply because she escalated her associate's insubordination. On one occasion, Ms. Miller verbally lashed out at Ms. Simchi-Levi, calling her a "***real fucking asshole***" over an issue that was, at worst, a miscommunication.

6. In December 2016, Ms. Simchi-Levi was forced into the hospital on bedrest due to a complication with her pregnancy. Nonetheless, she worked remotely and dutifully carried out her job functions. However, despite Ms. Simchi-Levi's express willingness to continue working up until she gave birth, the Company forced her to begin her unpaid maternity leave on December 30, 2016.

7. On January 30, 2017, after giving birth to her twins, Ms. Simchi-Levi received a shocking and confusing letter informing her that, despite the fact that she had been on leave for an entire month, she was being suddenly terminated due to supposed "ongoing performance issues." Both the timing and the completely fabricated accusations made the Company's real motivation – to get rid of Ms. Simchi-Levi due to her pregnancy – abundantly clear.

8. It is against the backdrop of this startling timeline of events that Ms. Simchi-Levi brings the instant action to redress the unlawful and discriminatory treatment to which she was subjected immediately following the announcement of her pregnancy.

NATURE OF THE CLAIMS

9. The unlawful discrimination and retaliation described herein was committed in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*, and as amended by the Pregnancy Discrimination Action, the New York State Human Rights Law, N.Y. Executive Law §§ 290 *et seq.* ("NYSHRL"), the New York City Human Rights Law, N.Y. City Administrative Code §§ 8-101 *et seq.* ("NYCHRL") and the New York City Earned Sick Time Act, N.Y.C. Admin. Code § 20-911 *et seq.* ("NYC Earned Sick Time Act").

ADMINISTRATIVE PREREQUISITES

10. On March 7, 2017, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII of the Civil Rights Act, as amended, 42 U.S.C. §§ 2000e *et seq*. and the Pregnancy Discrimination Act.

11. The EEOC subsequently issued Plaintiff a Notice of Right to Sue ("Right to Sue"), received on May 15, 2017.

12. Following commencement of this action, a copy of this Complaint will be served both on the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirements of the New York City Administrative Code.

13. Plaintiff has satisfied any and all other prerequisites to the filing of this action.

JURISDICTION AND VENUE

14. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this action involves federal questions regarding the deprivation of Plaintiff's rights under Title VII. The Court has supplemental jurisdiction over Plaintiff's related claims arising under State and local law pursuant to 28 U.S.C. § 1367(a).

15. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including employment practices alleged herein, occurred in this district.

PARTIES

16. Plaintiff Wendy Simchi-Levi was a pregnant employee of Kobra International Ltd. b/d/a Nicole Miller. Ms. Simchi-Levi is a resident of the State of New York and at all relevant times met the definition of an "employee" and/or "eligible employee" under all applicable statutes.

17. Defendant Kobra International Ltd. b/d/a Nicole Miller is a domestic business corporation incorporated and organized under the laws of the state of New York. Its principal place of business is in New York, at 525 7th Avenue. At all relevant times, the Company was an "employer" within the meaning of all applicable statutes.

18. Defendant Nicole Miller is a co-founder, owner and head of design at Nicole Miller. At all relevant times herein, Ms. Miller directed and participated in the unlawful and discriminatory conduct described herein towards Plaintiff.

FACTUAL ALLEGATIONS

Background

19. Ms. Simchi-Levi has been employed as a fashion technical designer in New York since 2007, working for companies with household names such as Ralph Lauren, Rebecca Minkoff and Rebecca Taylor. In June 2016, she decided to take the next step in her career by interviewing at the Company for a job reporting directly to Ms. Miller.

20. Ms. Simchi-Levi found the opening through a recruiter, and was incredibly excited to work closely with such a renowned and successful designer. On paper, it seemed like the opportunity of a lifetime.

21. While Ms. Simchi-Levi was thrilled about beginning the next chapter in her career, she had also recently received the exciting news that, after years of trying, she and her husband were finally pregnant. Needless to say, this was one of the happiest times of her life.

22. When Ms. Simchi-Levi interviewed at the Company, she was about nine weeks pregnant. However, due to previous complications and conventional superstition about disclosing her pregnancy too early, Ms. Simchi-Levi did not disclose this fact during the interview.

23. During her interview Ms. Simchi and Ms. Miller discussed the Company's need to overhaul and streamline its developmental manufacturing process, and Ms. Simchi-Levi was confident that she was more than equal to the task.

24. About five days after interviewing, on June 29, 2016, the Company offered Ms. Simchi-Levi the job.

Ms. Simchi-Levi's Exceptional Performance at Nicole Miller

25. Ms. Simchi-Levi's first two months at the Company were a huge success. She adapted quickly and began to implement her system for communication between the Company's design team and the factories that produced Ms. Miller's clothing to glowing reviews from her colleagues and representatives of the factories.

26. By way of example only, Production Manager Maria Kasidonis consistently praised Ms. Simchi-Levi's performance and told her that the workload on her team was immensely lightened due to Ms. Simchi-Levi's work.

27. Further, Stephanie Cerfeda, who also works in Production, told Ms. Simchi-Levi that she had done more work in her first month than most employees do in three, and said she was "thrilled" that Ms. Simchi-Levi was instituting a bill of materials at the initial development stage.

28. Alice Yu of the factory Repeat Enterprise told Ms. Simchi-Levi that, after she implemented her developmental process, making samples became much easier for her factory.

29. With twins on the way and a new job at which she was excelling, Ms. Simchi-Levi was on top of the world.

30. In late August 2016, after visiting the doctor during her twentieth week and receiving confirmation that her babies were alive and healthy, she prepared to share her amazing news with Ms. Miller and the rest of her colleagues.

Ms. Simchi-Levi's Disclosure of Her Pregnancy

31. On September 2, 2016, Ms. Simchi-Levi entered Ms. Miller's office and said she had some news she wanted to share. Ms. Simchi-Levi, who was herself thrilled to finally be having children, had hoped Ms. Miller might share in her jubilance; however, before she could even get the words out, Ms. Miller preempted her: "You're pregnant."

32. The disdain in Ms. Miller's voice was impossible to miss, and was certainly not lost on Ms. Simchi-Levi. When Ms. Simchi-Levi mentioned that she was 20 weeks pregnant, Ms. Miller asked contemptuously:

"***Oh, so you knew you were pregnant when you interviewed?***"

33. Ms. Simchi-Levi did her best to persevere through this tense and uncomfortable interaction, kindly explaining to Ms. Miller that, because she was only able to conceive through *in vitro* fertilization and had previously suffered miscarriages, she was careful not to share the news too early.

34. When Ms. Miller found out that Ms. Simchi-Levi was having twins, she responded:

"***You won't want to come back to work after having twins***."

35. Not only was this comment offensive to Ms. Simchi-Levi, who is dedicated to her career and fully intended to return to work after taking maternity leave; it also evinces Ms. Miller's undeniable discriminatory animus towards Ms. Simchi-Levi on the basis of her pregnancy.

36. In an effort to demonstrate her commitment to the job, Ms. Simchi-Levi offered to work through most of her maternity leave. Ms. Miller's response was as callous and insensitive as her other comments during the conversation:

“***Maternity leave isn’t that long anyway***.”

37. As it turned out, this remark by Ms. Miller was an omen of Ms. Simchi-Levi’s eventual discriminatory termination. Ms. Miller was right – Ms. Simchi-Levi would, indeed, have a very short maternity leave from the Company, though not by her choosing.

The Company’s Campaign of Discrimination and Ostracism against Ms. Simchi-Levi Following the Disclosure of her Pregnancy

38. Ms. Miller’s treatment of Ms. Simchi-Levi changed drastically after learning that she was pregnant. Whereas Ms. Simchi-Levi previously had reported to and received assignments from Ms. Miller directly, suddenly she was being passed over.

39. Rather than conveying messages to Ms. Simchi-Levi, Ms. Miller began to communicate with a junior employee who was only supposed to report to Ms. Miller through Ms. Simchi-Levi or Director of Merchandising Christina Silva.

40. In fact, Ms. Miller would attempt to humiliate Ms. Simchi-Levi by asking her co-workers to convey messages to her despite her being in the very same room.

41. Ms. Miller even refused to make eye contact with Ms. Simchi-Levi during these meetings.

42. While Ms. Miller’s sudden disdain for Ms. Simchi-Levi was readily apparent both to Ms. Simchi-Levi and to everyone who worked with her, it was made explicit around the third week of September 2016, when Designer Alicia Abbas told Ms. Simchi-Levi:

“***Nicole hates you***.”

43. Up to this point (and throughout her employment at the Company), Ms. Simchi-Levi had executed her duties at a high level and generally performed well. Indeed, the only thing that possibly could have caused Ms. Miller to “hate” her was the fact that she had learned of her pregnancy roughly three weeks earlier.

44. When Ms. Simchi-Levi later told Ms. Silva that she had heard that Ms. Miller hates her, Ms. Silva did not seem surprised at all, responding:

"***I think we should figure out a way for [Ms. Miller] to avoid seeing you***."

45. It was then that Ms. Silva instructed Ms. Simchi-Levi that she should no longer attend weekly design meetings, which were a crucial part of her job. Though she consistently performed at a high level, this obviously made it much more difficult for Ms. Simchi-Levi to meet the Company's expectations.

46. Ms. Miller also ostracized Ms. Simchi-Levi for being pregnant in other ways. For example, Production Manager Maria Kasidonis told her that her office – which previously was just a few steps away from Ms. Miller's – was being moved away from the rest of the Company's designers to the other side of the floor.

47. This had the effect of putting Ms. Simchi-Levi completely out of the loop with the rest of the design team and, again, negatively impacted her ability to do her job. Nevertheless, Ms. Simchi-Levi persisted in performing at a high level.

48. Ms. Kasidonis attempted to frame the decision to move her as a benevolent one, telling Ms. Simchi-Levi that she was being moved in order to give her a quiet and private space to "pump" after returning to work post-maternity leave, and so that she would be "under the radar" if she needed to leave for doctor's appointments during the workday.

49. Ms. Simchi-Levi saw through this transparent explanation and asked, "It's also because Nicole hates me, right?"

50. Confronted directly with the real reason for the move, Ms. Kasidonis had no choice but to respond, "Well, that doesn't hurt either."

51. Moving Ms. Simchi-Levi's office sent an unmistakable message to both her and

everyone else in the office about how the Company viewed her, in addition to forcing Ms. Simchi-Levi to painfully lug garments to the designers' offices and back to hers multiple times per day during the late stages of her pregnancy, which at least two employees, including Jessica Young, a receptionist at the Company, noticed and warned Ms. Simchi-Levi against doing.

52. In November 2016, Sally Wu, a former colleague and friend of Ms. Simchi-Levi's and the Creative Director of ACT 1 visited the office. When Ms. Simchi-Levi greeted her, Ms. Wu said she had gone out with Ms. Miller over the weekend and, much like the other employees at the Company, felt compelled to warn Ms. Simchi-Levi:

"***Nicole hates you***. ***You should be looking for another job***."

53. ACT 1's Shanghai factory, Best Sourcing, produces much of the Company's knit wear. Accordingly, given that her job was, in large part, to oversee the developmental manufacturing process for the Company, Ms. Simchi-Levi was often in contact with Ms. Wu regarding sending "tech packs" to the factory so it could create prototypes for Ms. Miller.

54. Throughout the preceding month, Ms. Simchi-Levi had been showing Ms. Miller many fabric swatches for a group of sweaters Ms. Miller was designing, hoping to get Ms. Miller's approval so that she could finalize the tech packs and send them to Ms. Wu.

55. However, Ms. Miller – perhaps blinded by her sheer contempt for Ms. Simchi-Levi – rejected swatch after swatch, thus keeping Ms. Simchi-Levi from sending the tech packs to ACT 1.

56. When Ms. Miller met with Ms. Wu, she asked whether Ms. Simchi-Levi had sent her the tech packs for the sweaters she was designing. Ms. Wu said, "no." Ms. Miller then dialed Ms. Simchi-Levi on the office intercom system and lashed out at her yet again, telling herm, "***You're a real fucking asshole***. I can't believe you fucking sat on those tech packs."

57. Before Ms. Simchi-Levi could explain that it would be pointless for her to send the incomplete tech packs without Ms. Miller's approval of a swatch and a correct stitch and yarn, Ms. Miller had already hung up.

58. Immediately afterward, Ms. Wu walked over to Ms. Simchi-Levi's office to find her crying. Ms. Wu gave Ms. Simchi-Levi a hug and told her she had no idea Ms. Miller would verbally attack her like that over such a small issue.

59. In late November 2016, Ms. Silva approached Ms. Simchi-Levi and told her that Ms. Miller had asked her to monitor Ms. Simchi-Levi and take inventory of the amount of work she was producing.

60. Ms. Miller never monitored her other designers in this way. Indeed, this heightened scrutiny of Ms. Simchi-Levi further evinced Ms. Miller's discriminatory animus toward her.

61. Ms. Simchi-Levi produced to Ms. Silva her handwritten notes, which reflected that she had completed no fewer than 50 tech packs that week, whereas Associate Technical Designer Yangenerly Severino had only completed about 15.

62. Ms. Silva was visibly in awe over Ms. Simchi-Levi's work and took the notes from Ms. Simchi-Levi to show Ms. Miller.

Ms. Simchi-Levi's Dispute with Her Subordinate

63. Also in November 2016, Ms. Severino was openly insubordinate to Ms. Simchi-Levi in the presence of the Company's two head designers, Ms. Abbas and Shoshana Tuszer.

64. After discussing it with Ms. Abbas and Ms. Tuszer, both of whom were taken aback by Ms. Severino's behavior and agreed it was inappropriate, Ms. Simchi-Levi escalated the issue to Ms. Miller and Mr. Konheim. Rather than address the issue, around November 18,

2016, Ms. Miller had Ms. Kasidonis email *both* Ms. Simchi-Levi and Ms. Severino to warn them regarding their purported "insubordination."

65. The warning emailed to Ms. Simchi-Levi made no sense, as she had in no way been insubordinate; rather, she had done nothing more than properly escalate the behavior of her direct report.

66. In a few months, it would become clear that this warning was merely a thinly veiled attempt to create a false paper trail of performance issues to justify Ms. Simchi-Levi's eventual firing.

67. Tellingly, Ms. Severino was fired in December 2016 after Ms. Tuszer reported her for similar insubordination.

68. The fact that Ms. Tuszer's concerns were acted on, while Ms. Simchi-Levi's were largely dismissed and used as an opportunity to unjustifiably discipline her, speaks volumes about the way the Company treated her.

Ms. Simchi-Levi's Coerced, Unpaid Maternity Leave

69. Around December 14, 2016, complications with her pregnancy forced Ms. Simchi-Levi into the hospital, after which her doctor ordered that she remain there, on bedrest, until she gave birth.

70. Nonetheless, Ms. Simchi-Levi did not skip a beat. From the hospital, she worked remotely and continued to show her dedication to her job – Ms. Simchi-Levi made herself available around the clock.

71. While she dutifully and fully executed her job duties remotely from the hospital, Ms. Simchi-Levi emailed back and forth with Ms. Rose about the timing of her maternity leave. Despite Ms. Simchi-Levi's express willingness to continue to work from the hospital, and the fact that she did not expect to give birth for at least another month, Ms. Rose was insistent that

Ms. Simchi-Levi begin her maternity leave early.

72. Notably, the Company had already made it clear to Ms. Simchi-Levi that it did not intend to pay her for any portion of her leave, despite the fact that Ms. Simchi-Levi had been employed at the Company for roughly 24 weeks.

73. Ms. Simchi-Levi ultimately agreed, at Ms. Rose's behest, to begin her maternity leave on December 30, 2016.

74. Ms. Simchi-Levi gave birth to her twins roughly one-and-a-half months early, on January 1, 2017.

75. While on leave, Ms. Simchi-Levi continued to perform intermittent work for the Company, including, but certainly not limited to, making herself available to train a new Associate Technical Designer who purportedly would work under Ms. Simchi-Levi once she returned from leave.

Ms. Simchi-Levi's Obviously Discriminatory Termination

76. On January 30, 2017, Ms. Simchi-Levi was completely blindsided by an email from Ms. Rose, which attached a letter formally terminating her employment. The letter said that Ms. Simchi-Levi had failed to remedy "ongoing performance issues from last year," and that she was "repeatedly warned during the October through December 2016 time frame . . . regarding [her] inability to work constructively in a team setting and to properly and timely accomplish assigned tasks." The letter also referenced the email warning sent to Ms. Simchi-Levi on November 18, 2016 after she escalated Ms. Severino's insubordination.

77. This letter from the Company was suspect to say the least. Ms. Simchi-Levi had no ongoing performance issues and, even assuming she had, she certainly had not been "repeatedly warned" about anything (other than the fact that Ms. Miller hated her).

78. In fact, there had not been so much as a second conversation regarding Ms.

Simchi-Levi's performance or her ability to work with her colleagues following the email she received on November 18, 2016, let alone the repeated string of warnings to which the letter alluded.

79. Quite the opposite, on November 22, 2016, Ms. Kasidonis sent Ms. Simchi-Levi an email stating that she was noticing "improvement" of Ms. Simchi-Levi's supposed performance issues and told her to "continue to move on in a positive manner."

80. Ms. Simchi-Levi had also been out of the office for over a month on unpaid maternity leave and – while she had performed remote work for the Company as needed – it was entirely unclear to her what, apart from her pregnancy and the birth of her children, possibly could have caused the Company to decide to terminate her then.

81. Indeed, it seemed that even the Company was tuned in to the suspicious timing of the letter, noting, "[W]e are sensitive to the fact that the timing of this transition may be inconvenient for you on a personal level" and admitting that all of the purported performance issues took place "last year." Put simply, the timing of the decision made no sense whatsoever.

82. The only logical conclusion for Ms. Simchi-Levi to draw is that the Company's "inconvenient" decision was made to avoid keeping a young mother on its staff.

FIRST CAUSE OF ACTION
(Discrimination in Violation of Title VII)
Against Defendant Kobra International Ltd. d/b/a Nicole Miller

83. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

84. By the actions described above, among others, Defendant has discriminated against Plaintiff on the basis of her gender and/or pregnancy in violation of the Title VII by denying Plaintiff the same terms and conditions of employment available to others based on her

pregnancy, including, but not limited to, by subjecting her to a hostile work environment and terminating her employment.

85. As a direct and proximate result of Defendant's unlawful conduct in violation of the Title VII, Plaintiff has suffered, and continues to suffer, harm for which she is entitled to an award of damages to the greatest extent permitted by law, including, but not limited to, monetary and/or economic harm, for which she is entitled to an award of monetary damages.

86. As a direct and proximate result of Defendant's unlawful and discriminatory conduct in violation of the Title VII, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

87. Defendant's unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under the Title VII, for which Plaintiff is entitled to an award of punitive damages.

88. Plaintiff is also entitled to an award of attorneys' fees and costs.

SECOND CAUSE OF ACTION
(Discrimination in Violation of the NYSHRL)
Against All Defendants

89. Plaintiff hereby repeats and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

90. By the actions described above, among others, Defendants have discriminated against Plaintiff on the basis of her gender and/or pregnancy in violation of the NYSHRL by denying Plaintiff the same terms and conditions of employment available to others based on her pregnancy, including, but not limited to, by subjecting her to a hostile work environment and terminating her employment.

91. As a direct and proximate result of the unlawful and discriminatory conduct

committed by Defendants in violation of the NYSHRL, Plaintiff has suffered and continues to suffer harm for which she is entitled to an award of damages, including, but not limited to, economic and compensatory damages, to the greatest extent permitted under law.

THIRD CAUSE OF ACTION
(Aiding and Abetting Violations of the NYSHRL)
Against Defendant Nicole Miller

92. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

93. Defendant Miller knowingly or recklessly aided and abetted the unlawful discriminatory conduct to which Plaintiff was subjected in violation of the NYSHRL.

94. As a direct and proximate result of Defendant's unlawful aiding and abetting in violation of the NYSHRL, Plaintiff has suffered and continues to suffer harm for which she is entitled to an award of damages, including, but not limited to, economic and compensatory damages, to the greatest extent permitted under law.

FOURTH CAUSE OF ACTION
(Discrimination in Violation of the NYCHRL)
Against All Defendants

95. Plaintiff hereby repeats and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

96. By the actions described above, among others, Defendants discriminated against Plaintiff on the basis of her gender and/or pregnancy in violation of the NYCHRL by denying Plaintiff the same terms and conditions of employment available to others based on her pregnancy, including, but not limited to, by subjecting her to a hostile work environment and terminating her employment.

97. As a direct and proximate result of Defendants' unlawful and discriminatory

conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer harm for which she is entitled to an award of damages, including, but not limited to, economic and compensatory damages, to the greatest extent permitted under law, in addition to reasonable attorneys' fees and costs.

98. Defendants' unlawful and discriminatory actions constitute knowing, malicious, willful, wanton and reckless violations of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

FIFTH CAUSE OF ACTION
(Aiding and Abetting Violations of the NYCHRL)
Against Defendant Nicole Miller

99. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

100. Defendant Miller knowingly or recklessly aided and abetted each other's acts of unlawful discrimination in violation of the NYCHRL.

101. As a direct and proximate result of Defendant's unlawful aiding and abetting in violation of NYCHRL, Plaintiff has suffered and continues to suffer harm for which she is entitled to an award of damages, including, but not limited to, economic and compensatory damages, to the greatest extent permitted under law, in addition to reasonable attorneys' fees and costs.

102. Defendant's unlawful aiding and abetting constitutes malicious, willful, wanton and reckless violations of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants for the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York and the City of New York;

B. An award of damages against Defendants, in an amount to be determined at trial, plus interest, to compensate for all monetary and/or economic damages;

C. An award of damages against Defendants, in an amount to be determined at trial, plus interest, to compensate for all non-monetary and/or compensatory damages, including, but not limited to, compensation for Plaintiff's emotional distress;

D. An award of punitive damages in an amount to be determined at trial;

E. Pre-judgment interest on all amounts due;

F. An award of Plaintiff's reasonable attorneys' fees and costs; and

G. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: May 17, 2017
New York, New York

Respectfully submitted,

WIGDOR LLP

By: ______________________________

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